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UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

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STATE FORESTRY LAWS

A parallel classification showing the comparative
progress of each State in forestry legislation

NEW JERSEY

(Serial 2—Through Reg. Sess., 1915)

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REVISION OF SERIALS.

This serial contains the full text of all provisions embodied in legislation enacted since the issue of the preceding serial, and of all provisions which have been more or less extensively amended thereby. All other provisions in the earlier serials, including provisions which have been only slightly amended, are merely noted where they would properly be placed if reprinted herein, and a reference made to the page and serial where their full text may be found. In connection with the slightly amended provisions a brief explanation is made as to the exact character of such amendment.

PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests and nurseries or other State lands, or forest taxation, see Parts II, IV, and III, respectively.)

SEC. 1, CH. 241, L. 1915.

Department of Conservation and Development—Board of Conservation and Development.—A department of conservation and development is hereby established, and the same shall be governed by a board to be known as the "Board of Conservation and Development."

SEC. 2.

Board of Conservation and Development, membership of.—The Board of Conservation and Development shall consist of eight members, not more than four of whom shall be members of the same political party, and all of whom shall be residents of the State.

SEC. 3.

Board of Conservation and Development: Appointment—Terms—Meetings—President—No compensation—Expenses.—The members of the Board of Conservation and Development shall be appointed by the

Governor, by and with the advice and consent of the Senate, for the following terms, to commence on the first day of July, one thousand nine hundred and fifteen: two for one year, two for two years, two for three years, and two for four years. Annually thereafter, two members shall be appointed for a term of four years. Vacancies shall be filled for the unexpired terms. The board shall meet every month in the State House, in Trenton, at such times as its rules may prescribe, and at such other times and places within the State as, in its judgment, may be necessary. The board shall elect one of its members president who shall hold office for one year and until his successor shall be elected.

The members of the board shall receive no compensation for their services, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses.

SEC. 4.

Director: Selection—Qualifications—Salary—Terms.—The board shall select a person who shall be known as the "Director of Conservation and Development," who shall be a resident of this State and a qualified engineer, forester or geologist, who shall also be one of the division chiefs. In case the board cannot agree because of a tie vote therein, upon the selection of a director, the Governor shall be requested to sit with said board for

SEC. 3,¹ p. 2606, AMENDED BY L. 1915, CH. 165, SEC. 1, AND CH. 241, SECS. 5, 13.

Board of Conservation and Development: Care and management of forest reserves, moneys therefor, etc.—Forestry duties, in general, of—Prevention of fires—Cooperative forestry work—Protection of watersheds—Reports and publications—Cutting and sale of timber—Contracts for work—Employees.—The care, management and preservation of the forest reserves, and the forests thereon, as well as future growth thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal property acquired to carry out the purposes of this act, are hereby confided to and vested in said board [State Board of Forest Park Reservation Commissioners; now the Board of Conservation and Development], as the same may be herein or in subsequent acts defined and required. The board shall observe, keep in view, and, so far as it can, put in operation the best methods to reforest cut-over and denuded lands, to forest waste and other lands, to prevent injury of forests by fire; shall provide for the administering and care of forests on forestry principles, for the encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and for the general conservation of forest tracts around the headwaters and on the watersheds of all the water courses of the State. Said board shall make reports of its work, conclusions and recommendations to each session of the Legislature, and from time to time publish, in a popular manner, and print for popular distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest. If any such report or publication shall be in especial demand and the supply shall become limited the board may restrict its distribution or fix a reasonable price to be paid for it. Whenever it shall appear that the welfare of the State will be advanced by cutting or selling or disposing of any of the timber on State forest lands, or by using any portion of such lands for agriculture, or for any other purpose than the maintenance of forest, the board is hereby empowered to cut and sell such timber, or to provide for the use and development of such land in the way that in its judgment is most proper, on terms most advantageous to the State; and said board is hereby empowered to make or execute contracts in the name of the State, and to make agreements with other State departments, boards or bodies, for the carrying out of the purposes of this act; *provided, however*, that no such contract or agreement shall be made without the approval of the Governor. The board shall have power to employ such persons as are necessary for carrying out the provisions of this act and to fix their compensation. [L. 1905, Ch. 47, Sec. 3.]

SEC. 9,¹ p. 2608, AMENDED BY L. 1913, CH. 23; AND BY L. 1915, CH. 241, SECS. 5, 13, 8.

State Forester, designation and duties of.—Secretary of Board, duties of.—The chief forester em-

ployed by said board [State Board of Forest Park Reservation Commissioners; now the Board of Conservation and Development] shall be designated and known as State Forester. He shall be the active agent of said board in the performance of the duties imposed upon it by section 3 of the act which this act amends. * * * [The Director of Conservation and Development is made ex officio secretary of that board by sec. 8, ch. 241, L. 1915.] As secretary, it shall be his [the Director's] duty to keep proper records of said board, and any copy of any record, under the seal of the board, signed by the secretary, shall be of the same evidential effect in all the courts of this State as an exemplified copy of any recorded deed, according to law as now constituted. [L. 1905, ch. 47, sec. 9.]

SEC. 10 (p. 1, Serial 1).

(This section is repealed by L. 1915, ch. 241, sec. 16.)

SECS. 12, 13 (p. 1, Serial 1).

(These sections are amended by L. 1915, ch. 241, secs. 5, 13, to the extent only that the terms, "Board of Forest Park Reservation Commissioners," "said board," "forest commission," or other similar expression therein, should now "be taken to be and to mean the Board of Conservation and Development").

PART II.—FIRES.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part IV.)

(1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel and the administrative duties of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with fallow and other fires, and railroad fires, see subdivisions (2) and (3), respectively.)

SEC. 1, CH. 109, L. 1915, AMENDED BY L. 1915, CH. 241, SECS. 5, 13.

Patrolmen to be provided.—Whenever the Board of * * * [Conservation and Development] shall be satisfied that existing conditions tend to the origin of forest fires in any locality, it shall provide for the maintenance of patrolmen to watch for and extinguish fire in such places and for so long as such danger exists.

SEC. 2.

Expenses of patrol—How paid.—The said board shall determine whether the existence of such conditions is due to the operation of a railroad, or to the operations, actions, conduct or neglect of any other corporation, firm or individual, and the responsible party, thus determined, shall appoint and pay the wages and expenses of the patrolmen hereinafter required to be appointed and paid. If the said board shall determine the existence of the conditions referred to to be due to a divided agency, the required patrolmen shall be appointed by the State Firewarden, and the wages and expenses shall be apportioned by the

¹ See Serial 1, p. 1.

said board among the several parties to such divided agency; *provided, however*, that if one of the parties to such divided agency shall be a railroad company, the patrolmen required of such railroad company shall be appointed and paid according to the provisions of this act applying to the appointment and payment of patrolmen by railroad companies.

SEC. 3.

Proper parties notified—Service of notice—Order may be amended.—Whenever the Board of * * * [Conservation and Development] shall make determination as set forth in paragraphs one and two of this act, the State Firewarden, upon notification by the said board to that effect, shall, in writing, notify the responsible agent or agents of the determination of the said board, specifying the locality affected thereby and included within the terms of his notice, calling for the appointment of such number of patrolmen as the said State Firewarden may deem to be necessary, and prescribing generally the work of such patrol. The State Firewarden shall fix and state, in the said notice, the time when the said notice shall become effective. In case of a railroad company, the said notice shall be served at the office of the superintendent of the division within which the affected district is located. In case of a private individual, firm or corporation, not a railroad company, the notice shall be served upon the owner, lessee, superintendent or agent, wherever found. The order of the State Firewarden may be amended in any particular by the said board, either upon its own initiative or upon the request of any person or corporation affected thereby, but shall not be stayed pending application for such amendment, except upon order of the board.

SEC. 4.

Immediate compliance with order—Report to State Firewarden—Replacing patrolmen.—The person or corporation receiving such notice shall immediately comply therewith and shall at once report to the State Firewarden the names of all patrolmen appointed pursuant to such order, and the names of the persons acting as foremen or superintendents thereof actually upon the work. And such person or corporation shall report to the State Firewarden at such times and in such manner as he shall require, setting forth the number of men performing such duty, the places where, the times when, and the manner in which the patrol duty is being performed. If the appointment of, or service rendered by, any member of such patrol shall be unsatisfactory to the State Firewarden, such patrolmen shall be immediately replaced by his employer upon the request of the State Firewarden.

SEC. 5.

Recovery of penalties.—Any firm, person or corporation who shall or which shall fail to comply with the provisions of this act, or with the terms of such notices and orders as may be issued by the State Firewarden, shall be

subject to a penalty of ten dollars per day for each patrolman not on duty in accordance with such notice or order.

All penalties incurred for violation of any of the provisions of this act shall be sued for, recovered and collected in the manner provided for the recovery of penalties by the act to which this act is a supplement [L. 1906, ch. 123, as amended¹]. Such penalties, when recovered shall be paid to the executive officer of the Board of * * * [Conservation and Development], who, after deducting any direct expense connected with the recovery of said penalty, shall pay the same over to the State Treasurer.

SEC. 6.

Suit for damages not barred.—Compliance with the provisions of this act shall not operate as a bar to any suit for damages for which any person or corporation would otherwise be liable, but conformance with the provisions of this act, and compliance with the terms of any order or notice issued by the State Firewarden may be shown and considered as evidence of the use of due care on the part of such person or corporation.

SEC. 7.

Prompt action: To be taken by whom—May be reviewed and modified by Board of Conservation and Development.—In any case where prompt action is necessary all duties and powers imposed by this supplement upon the Board of * * * [Conservation and Development] may be performed and exercised by the executive officer of the said board, the State Forester and the State Firewarden, acting jointly in the name of said board, and the joint determinations, actions and orders of the same shall be as conclusive and effectual as though done and performed by the full board; *provided*, that any action of the said officials may be reviewed and modified by the * * * [Board of Conservation and Development] in the same manner and under the same limitation as is prescribed in section three of this act.

SECS. 1, 2, CH. 61, L. 1915. * * *

NOTE.—Slash disposal.—See these sections, below, for duties of the Board of Conservation and Development upon receipt of complaint that an accumulation of brush or other slash material at some point is creating a fire hazard.

SECS. 38, 39, 39a, 40, 41, 42, 43, 44, 49, 50, 54 (pp. 2-6, Serial 1).

(These sections are amended by L. 1915, ch. 241, secs. 5, 13, to the extent only that the terms "Board of Forest Park Reservation Commissioners," "said board," "forest commission," or other similar expression therein, should now "be taken to be and to mean the Board of Conservation and Development.")

SECS. 45, 51, 52, 53, 55a (pp. 3-6, Serial 1).

(These sections remain unchanged.)

¹ See secs. 49-54, pp. 3-6, of Serial 1.

(2) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

SEC. 1, CH. 61, L. 1915.

Public nuisance occasioned by accumulation of brush and other combustible material.—The owner of any woodlands, or the lessee thereof, or any contractor or employee deriving authority from the owner of such woodlands, or any person doing public work in or upon such woodlands, who shall permit or suffer the accumulation of brush or tree-tops, or any litter from felled trees, to lie or be upon such woodlands to such an extent or in such manner as to facilitate either the origin or the spread of forest fires, shall be deemed thereby to have created an extraordinary fire hazard, and to have made and maintained a public nuisance.

SEC. 2, AMENDED BY L. 1915, CH. 241, SECS. 5, 13.

Nuisance: Complaint of—Removal ordered—Penalty, recovery and disposition of.—On the complaint of a firewarden, or of any citizen, it shall be the duty of the Board of * * * [Conservation and Development] to cause an investigation to be made of the alleged nuisance. If, in its judgment, a situation endangering the security of adjacent property, either with reference to the possible origin or spread of forest fires, exists, it shall require the responsible party to remove such menace within a specified time, in manner directed and at his own cost. If such removal be done by burning, all the provisions and requirements of the act to which this act is a supplement [L. 1906, Ch. 123, as amended ¹] shall be observed, but nothing done under this act shall operate as a release of responsibility if fire escapes and damages the property of another. Failure to comply with the requirement of the Board of * * * [Conservation and Development] shall subject the offender to the penalty imposed by section twelve ² of the act to which this act is a supplement, which penalty shall be imposed for every period of five days, or portion of one such period, during which the requirement of the Board of * * * [Conservation and Development] shall be unobserved.

All penalties incurred for violation of any of the provisions of this act shall be sued for, recovered and collected in the manner provided for the recovery of penalties by the act to which this act is a supplement.³ Such penalties, when recovered, shall be paid to the executive officer of the Board of * * * [Conservation and Development], who, after deducting any direct expense connected with the recovery of said penalty, shall pay the same over to the State Treasurer.

¹ For Laws 1906, ch. 123, as amended, see Serial 1, secs. 38, 39, 40-45 (pp. 2, 3), secs. 46-48 (p. 6), secs. 49-55 (pp. 3-6).

² See sec. 49 (p. 3) of Serial 1.

³ See secs. 49-54 (pp. 3-6) of Serial 1.

SECS. 46, 47, 48, 55, 157a (p. 6, Serial 1).

(These sections remain unchanged.)

(3) RAILROAD FIRES.

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and saw-mill engines, and boilers.)

SECS. 1-7, CH. 109, L. 1915. * * *

NOTE.—Patrolmen, appointment of.—See these sections on pp. 4, 5, for provisions concerning appointment of patrolmen when conditions tending to the origin of forest fires are due to the operation of a railroad; and penalty for failure to comply with the act, etc.

SECS. 56, 57, 58 (pp. 6-7, Serial 1).

(These sections remain unchanged.)

PART III.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part IV.)

PART IV.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

(1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

SEC. 3, p. 2606, COMP. STAT., N. J., AMENDED BY L. 1915, CH. 165, SEC. 1, AND CH. 241, SECS. 5, 13.

Forest Reserves: Board of Conservation and Development charged with care and management of.—(For text of this provision, see this section, on p. 4.)

SEC. 1, CH. 382, L. 1915.

Forest Reserves: Maintenance of, as a public park—Appropriations for.—It shall be lawful for the governing body of any county, or of any municipality, to enter into an agreement with the * * * [Board of Conservation and Development] for the maintenance of a forest reserve, or any portion thereof, which portion may be a pond or lake, as a public park; and from time to time to appropriate money and to pay the same to the * * * [Board of Conservation and Development] to be expended by said board for the maintenance and improvement of such State property.

SECS. 2, 4, 5, 6, 7, 8, 11, 16 (pp. 7, 8, Serial 1).

(These sections are amended by L. 1915, ch. 241, secs. 5, 13, to the extent only that the terms "Board of Forest Park Reservation Commissioners," "said board," "forest commission," or other similar expression therein, should now "be taken to be and to mean the Board of Conservation and Development.")

(2) MUNICIPAL FORESTS.

SEC. 17 (p. 8, Serial 1).

(This section is amended by L. 1915, ch. 241, secs. 5, 13, to the extent only that the "State Board of Forest Park Reservation Commissioners" should now "be taken to be and to mean the Board of Conservation and Development.")

SEC. 18 (p. 8, Serial 1).

(This section remains unchanged.)

(3) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

SEC. 3, p. 2606, AMENDED BY L. 1915, CH. 165, SEC. 1, AND CH. 241, SECS. 5, 13.

Board of Conservation and Development: Arrangements by, with other State Departments, boards, or bodies for use and development of State forest lands.—(For text of these provisions, see this section, p. 3).

